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James P. Rigano
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April 29, 2014

VIA ELECTRONIC FILING

Hon. Pamela K. Chen
United States District Judge
United States Courthouse
225 Cadman Plaza East, Room N631
Brooklyn, New York 11201

Re: Saeid E. Jalayer et al. v. Josephine Stigliano, as Executrix, et al.
Civil Action No. 10-CV-2285

Dear Judge Chen:

As attorneys for defendant Joseph Stigliano as Executrix, we are writing to request a postponement of the Status Conference set for May 15, 2014 at 2:00 p.m. in Courtroom 4F North. We understand the plaintiffs would like to either have this matter referred to mediation or resume prosecution. The plaintiffs suggest in their April 4, 2014 letter filed with the Court that mediation should be considered "prior to selection of the remedial strategy and further expenditures on the case." Attached is an April 2, 2014 letter from the New York State Department of Environmental Conservation ("DEC") requesting the preparation of a remedial work plan to address the environmental impacted areas of the site which I understand is due on July 15, 2014.

We request a postponement of the court conference so that DEC may provide input on the remedial strategy and associated costs for the property. DEC's input on the remedial strategy and costs will be critical to possible mediation and settlement. I further understand that DEC only provided some limited input in a telephone conversation with plaintiff which is inadequate to evaluate the remedial approach and costs.


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This is the first request for adjournment of this conference. We have contacted other counsel in regard to this request. The plaintiff objects to our request, and the other defendants do not oppose our request.

Respectfully submitted,


James P. Rigano

cc: Counsel for other parties (via ECF)

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region One
Stony Brook University
50 Circle Road, Stony Brook, New York 11790-3409
Phone: (631) 444-0240 • Fax: (631) 444-0248
Website: www.dec.ny.gov



April 02, 2014

Leslie Sparrow, P.G.
Senior Project Manager
Cornerstone Environmental Group, LLC
90 Crystal Run Road, Suite 201
Middletown, NY 10941

Re: Prospect Ave & Bryant Ave Site
34 Woodbridge Lane
Sea Cliff, New York 11579
Index # W1-0001-07-05 Site # C130203
Remedial Investigation Report

Dear Ms Sparrow:

The New York State Department of Environmental Conservation (the "Department") has reviewed Cornerstone Environmental Group's revised Brownfield Cleanup Program (BCP) Remedial Investigation Report (RIR) dated December 2013 pertaining to the above referenced site. The report was prepared to document the procedures and results of the implementation of the projects approved Remedial Investigation Work Plan (RIWP). The purpose of the Remedial Investigation (RI) was to collect data of sufficient quality and quantity to characterize the nature and extent of contamination in on-site soil, soil gas and groundwater.

Based on the review of the revised RIR, the Department is satisfied that the RI is complete and thus approved. At this time, the applicant is instructed to place a copy of the approved RIR in the project's document repository and remove the draft report. In addition, place a copy of the RIR informational Fact Sheet in the repository. Please provide to the Department a certification of mailing.

Based on the RI, it has been determined that remediation of certain media at the site is required. As a result, please prepare and submit a Remedial Work Plan to address the

environmental impacted areas at the site. A draft RWP is due to the Department for review within thirty (30) days of receipt of this letter. Should you have any questions, please feel free to contact me at (631)-444-0244 or via e-mail at jcsheeha@gw.dec.state.ny.us.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Sheehan". The signature is fluid and cursive, with the first name "John" being more prominent.

John C. Sheehan
Project Manager

cc: J. Harrington, NYSDEC
W. Parish, NYSDEC
R. Rusinko, NYSDEC
N. Walz, NYSDOH
S. Jalayer
A. Knauf, Knauf Shaw, LLP